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**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D. C.**

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**Proposal of SARASOTA MANATEE AIRPORT  
AUTHORITY under the  
SMALL COMMUNITY AIR SERVICE  
DEVELOPMENT PILOT PROGRAM**

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: Docket OST-02-11590 -25

**MOTION OF SARASOTA MANATEE AIRPORT AUTHORITY, FOR  
CONFIDENTIAL TREATMENT PURSUANT TO 14 CFR §302.12**

Communications with respect to this document should be sent to:

Frederick J. Piccolo  
Executive Director  
Sarasota Manatee Airport Authority  
6000 Airport Circle  
Sarasota, FL 34243

Edward P. Faberman  
Ungaretti & Harris  
1500 K Street N.W., Suite 250  
Washington, DC 20005-1714  
(202) 639-7501

Counsel for Sarasota Manatee Airport  
Authority

April 17, 2002

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Sarasota Manatee Airport Authority, pursuant to 14 CFR §302.12, hereby moves that certain information contained in its filing under the Small Community Air Service Development Pilot Program (Docket OST-2002-11590) be accorded confidential treatment and be withheld from public disclosure. The information for which confidential treatment is requested is found in a separate envelope. As provided in 14 CFR §302.12, this document has been filed separately, under seal, and with the marking “Confidential Treatment Requested Under 14 CFR §302.12.” Confidential information in the Small Community Air Service Development Pilot Program is found on pages 5, 7-9, 12-19 and the letter of intent found in appendix two. The information marked confidential is “blackened” and a note added, “blackened area denotes confidential information.”

The information which is the subject of this motion details proposed service at Sarasota Manatee Airport Authority including the name of a potential new carrier in the market as well as the identification of new markets to be served by that carrier at Sarasota

Manatee Airport. Sarasota Manatee Airport Authority asks that this information be protected from public disclosure.

Sarasota Manatee Airport Authority believes it is critical that confidential treatment, as requested herein, be accorded to this proposed air service information. The data that Sarasota Manatee Airport Authority seeks to protect contains valuable information about service that would impact the entire community. Information of this kind is protected from disclosure under the Freedom of Information Act, 5 USC §552(b)(4), which exempts information that is commercial or financial information obtained from a person and privileged or confidential. The purpose of this exemption is to protect the confidentiality of information provided to government, but which would customarily not be released to the public.


Information is confidential if its disclosure would impair the government's future ability to obtain needed information, or cause substantial competitive harm to the person who submitted the information to the government. *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280 (D.C. Cir. 1983); *Green v. Department of Commerce*, 468 F. Supp. 691, 692 (D.D.C.1979), *anneal dismissed*, 618 F.2d **836** (D.C. Cir. 1980). To merit protection from disclosure, it is not necessary to show actual competitive harm. Actual competition and the likelihood of substantial competitive injury is all that need be shown. *Gulf & Western Industries, Inc. v. United States*, 615 F.2d 527, 530 (D.C. Cir. 1979).

Without a doubt the airline industry is extremely competitive, and potential marketing information is particularly sensitive, providing valuable information about service that could offer competition to an existing carrier at a specific airport or one nearby. Information as to potential new carriers and markets served at an airport could

give particular competitors information to allow a dominant carrier to take steps to prevent the new service. Such actions would not be in the public interest. Without the requirement to provide this information to the Department of Transportation to obtain pilot program funding neither the “new” carrier nor Sarasota Manatee Airport Authority would publicly disclose this information.

WHEREFORE, Sarasota Manatee Airport Authority moves that the documents submitted under seal with this motion be withheld from public disclosure pursuant to 14 CFR §302.12 for a period of at least 10 years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward P. Faberman". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Edward P. Faberman  
Ungaretti & Harris  
1500 K Street, NW, Suite 250  
Washington, DC 20005

Counsel for Sarasota Manatee Airport  
Authority

April 17, 2002